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Clark. The Province of Law in Distinction
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THE PROVINCE OF LAW IN DISTINCTION FROM THAT OF TRUTH.

A

S E R M O N

DELIVERED BEFORE THE

Executive and Legislative Departments

OF THE

GOVERNMENT OF MASSACHUSETTS,

AT THE

ANNUAL ELECTION,

Wednesday, Jan. 6, 1869.

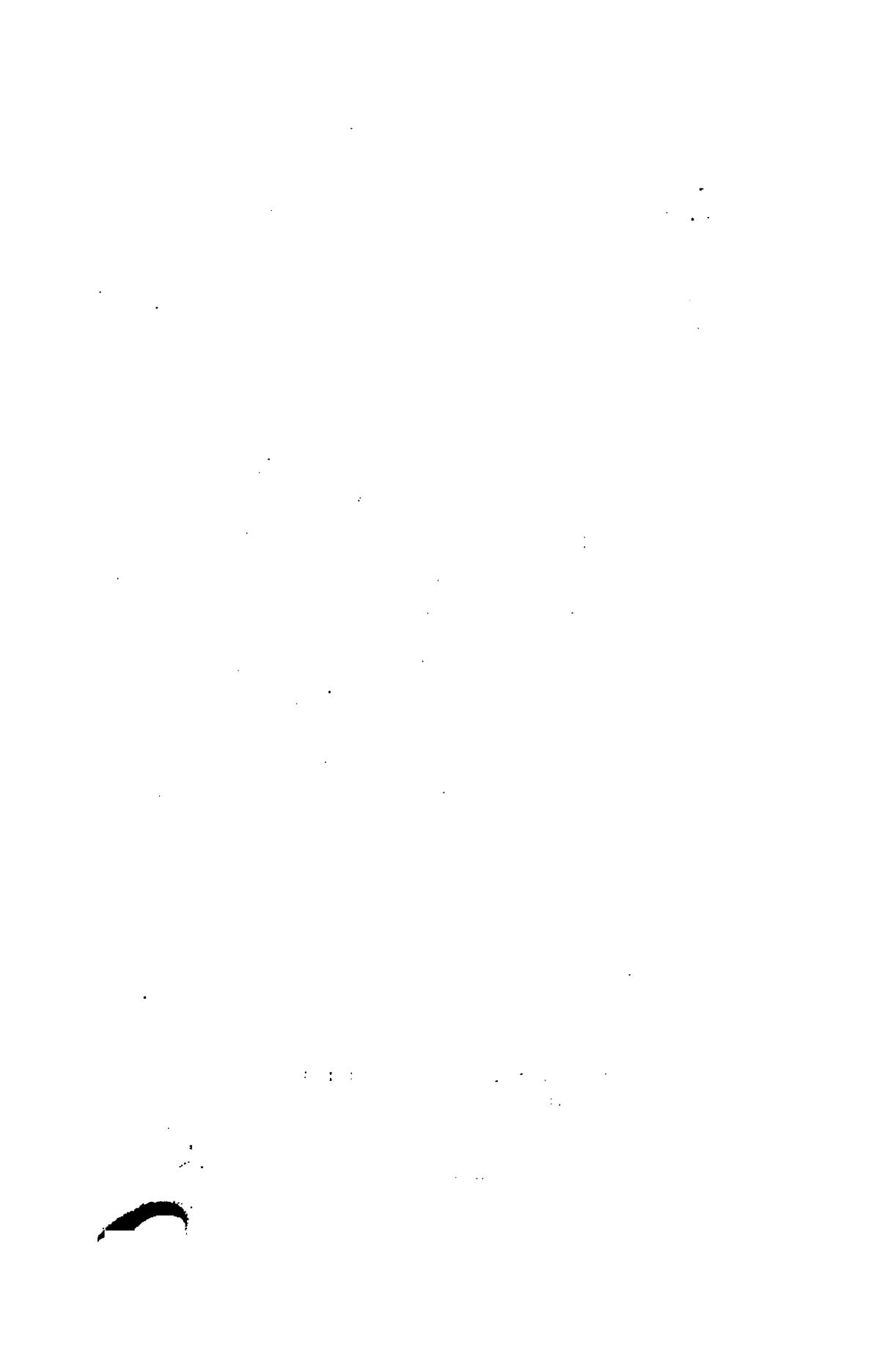
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1869.



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Commonwealth of Massachusetts.

IN SENATE, January 14, 1869.

ORDERED, That a Committee be appointed to present the thanks of the Senate to the Rev. BENJAMIN F. CLARK, for the able discourse delivered before the Executive and Legislative branches of the Government of the Commonwealth, on the 6th instant, and to request a copy of the same for publication.

Messrs. DEAN, HATHAWAY and SMITH are appointed said Committee.

S. N. GIFFORD, *Clerk.*

IN SENATE, January 18, 1869.

The Committee appointed by Order of the Senate of January 14, to present the thanks of the Senate to the Reverend Benjamin F. Clark, for the able discourse delivered before the Executive and Legislative branches of the Government of the Commonwealth, on the 6th instant, and to request a copy of the same for publication, report that they have attended to that duty, and herewith present a copy of Mr. Clark's discourse and recommend that it be printed.

Per order,

BENJAMIN DEAN, *Chairman.*

SENATE, January 18, 1869.

Accepted.

S. N. GIFFORD, *Clerk.*



The
Province of Law in Distinction from that of Truth.

NOTE.—A few pages, omitted in the delivery, are added in the printed Sermon.

S E R M O N .

I. TIMOTHY, i. 8.

BUT WE KNOW THAT THE LAW IS GOOD, IF A MAN USE IT LAWFULLY.

The Lord Jesus Christ was a reformer. As the light of the world, he came to dissipate moral darkness, and to show men the truth, through the agency of which they might be freed from the controlling power of sin, and made holy. His mission to earth included another work inseparably connected with that of reform, a work finished upon the cross, where he tasted death for every man, whose redemption it purchased, and whom it placed in a salvable state. In his work of reform, the great teacher employed the truth. He reasoned with men. He explained to them his system, and urged its adoption. He clearly described the two ways of life, and their termination, presenting reasons why the one should be chosen, and the other rejected. In connection with his teachings he wrought miracles, but he never employed his miraculous power to force men into the right

way, or to adopt his system. He never did violence to the free agency of persons whom he exhorted to reform. In his efforts to effect this moral change, he employed only moral means. On one occasion he said to certain Jews who had recently believed on him: "If ye continue in my word, then are ye my disciples indeed; and ye shall know the truth, and the truth shall make you free." During his public ministry, he selected men to accompany him whom he taught his gospel, which demanded repentance, another name for reformation; and, before his ascension, he commissioned them to go into all the world and preach his gospel to every creature, and to proselyte to the belief and practice of what they preached. The disciples obeyed this last command of their teacher and Lord. They preached, and many believed the truths they uttered, and were reformed. The disciples wrought miracles in the name of Christ, but they never employed their miraculous power to compel men to believe what they taught, or to change their habits. Persuasion was the only agency they used in connection with the truth. After his ascension, Jesus met Saul of Tarsus, on his persecuting tour against Christians, convinced him of his guilt, won him to his service, and subse-

quently revealed to him his gospel, and commissioned him to teach it. The system of truth he revealed to Saul was the same he taught the eleven. Instructed by this revelation, the converted persecutor became a distinguished Christian teacher. In this capacity he besought men to become reconciled to God. He warned them, day and night, with tears; urging them, by considerations addressed to their hopes and fears, to believe the truth and reform. In imitation of him whose disciples they were, and for whom they acted the part of ambassadors, Paul and his associates employed no other agency than truth to rescue men from the power of sin, to renovate their characters, and put them in a course of training for heaven. In speaking of himself under the figure of a warrior, Paul said: "The weapons of our warfare are not carnal, but mighty, through God, to the pulling down of strong holds; casting down imaginations, and every high thing that exalteth itself against the knowledge of God, and bringing into captivity every thought to the obedience of Christ." Paul believed that there was power in gospel truth, through God, to effect a complete reformation in man. In the entire published history of Christ and those whom he commissioned to

teach in his name and in his stead, we find no allusion to their employing other than persuasive means in their peculiar work. The apostles and their associates and successors carried forward the great Christian reformation commenced by Christ, bringing multitudes under its control and subjecting them to its salutary influence.

This great reformation encountered powerful opposition, organized and unorganized. Its enemies waged against it repeated and bitter persecutions, without, however, stopping its progress, or even imposing upon it any essential check. The blood thus shed enriched the Christian soil, and strengthened the reformation it was designed to destroy. In process of time, there arose a shrewd politician, in the capacity of a Roman emperor, who saw that Christianity was a power that could not be crushed, but might be used for his political benefit. Taking advantage of the superstition of the times, he professed to have seen a sign of the cross in the heavens, accompanied with this inscription: "*In hoc signo vinces*" (under this sign thou shalt conquer.) In connection with this vision he pretended Christ appeared to him, in his sleep, exhibiting to his view the same brilliant representation of the cross he had seen in the heavens, directing him

to make it his military ensign. He published an account of these visions, giving them the interpretation of a divine command to adopt Christianity as the religion of his empire.

Acting under these pretended instructions from heaven, he proposed to adopt the Christian Church. The Church yielded to his political embrace, and, in the language of the historian, "was paralyzed." By becoming a political organization, and exercising political power, the Church lost her reformatory influence, and became corrupt and a corrupter. By this demoralizing transition, she was changed from a meek and lowly maiden to a proud and haughty queen, clad in the habiliments of royalty, and adorned with an earthly crown. Thus changed, she became a tyrant, employing force to effect the adoption of her opinions and practices. This change of policy wrought a sad change in the character of the Church, proving destructive to all that was vital in the spiritual religion of her early adoption, making her a public curse instead of a blessing.

She adopted "two principles," which, history informs us, "propelled her in her downward course," and led brother to imbrue his hands in his brother's blood, and this, too, thinking that he did

God service. The first was, "That it is an act of virtue to deceive and lie, when by that means the interests of the Church may be promoted;" the other, "That errors in religion, when maintained and adhered to after proper admonition, are punishable with civil penalties and corporeal tortures." Thus you see that these professed reformers, claiming to be followers of Christ, and of those whom he commissioned to teach in his name, acted upon two cruel and anti-christian principles, which have formed the basis of the most bloody persecutions in our world. History says of Constantine, who inaugurated this change, "He waded without remorse through seas of blood, and was a most tyrannical prince." This tyrant infused his own persecuting spirit into the Church of his adoption, which attempted to reform by force, and, making the attempt, became a demoralizer and destructionist, producing the legitimate result—a long period of moral darkness, appropriately called "the Dark Ages."

By this reference to the history of the Christian Church, we learn that it was organized as a reformatory institution, and while it retained the spirit of its organizer, and employed only the truth as means of accomplishing its object, it was emi-

nently successful; but when it lost that spirit, and exchanged the truth for force, backed by legal enactments, it became an engine of mischief, an "infernal machine."

When the Lord Jesus Christ, who aimed at renovating and sanctifying the soul, and freeing men from the controlling power of sin by the agency of the truth, commenced his public ministry among his countrymen, the latter were completely demoralized, although they professed to be the peculiar people of God, and the great reformers of the world. They would "compass sea and land to make one proselyte," whom they morally injured by his conversion. The Jews believed in God, and most of them held the law of Moses in high veneration, regarding it a saving agency. "They looked for the Messiah, but they expected him only as a temporal prince, who would deliver them from Roman bondage by a zealous performance of external rites." They expected he would adopt their views of the law, and insist upon a rigid compliance with its requirements. They regarded themselves the favorites of Heaven, while they were self-righteous formalists, trusting for salvation to the observance of religious rites and ceremonies. With views so directly opposed to those inculcated

by the great Teacher, the Jews were prepared to reject him. "He came to his own" countrymen, "and his own received him not." As "the true light" he shone upon their darkness, which was so intense as to resist his enlightening power. They expected salvation by the law, mistaking its nature and design.

From this brief reference to Jewish history, we learn that the Jews relied upon law as a saving agency, in opposition to Christ who employed the truth as the means of renovating and sanctifying the heart, of freeing men from sin, and making them the loyal subjects of God's kingdom. These two systems were directly opposed to each other, and the conflict between them resulted in bringing the advocate of one to the cross; but the system of the crucified survived his death, and was made effective for good in the hands of those he commissioned to teach in his name.

The persons thus commissioned were opposed by two classes of Jews: the Pharisees, of whom I have spoken, who were the leading enemies of their Master; and the Judaizing teachers. The latter were converted Jews, who adopted Christianity in connection with Judaism, and insisted upon observing the ceremonial law of Moses as

indispensable to salvation. They claimed to be teachers of Christianity while they preached justification by law. These false teachers, like some modern reformers, carried the law in one hand, and the gospel in the other, insisting upon the observance of the former, and soliciting compliance with the latter. While they professed to rely upon both of these agencies for freeing men from the bondage of sin and securing to them the benefits of salvation, they relied pre-eminently, if not exclusively, upon law. Paul opposed this class, and pronounced upon them a curse. In writing to Timothy upon the work of the Christian ministry, he referred to these teachers, and guarded the young minister against their influence in the following passage which contains our text: "Now the end of the commandment is charity out of a pure heart, and a good conscience, and of faith unfeigned; from which some having swerved have turned aside unto vain jangling; desiring to be teachers of the law; understanding neither what they say nor whereof they affirm. But we know that the law is good, if a man use it lawfully; knowing this, that the law is not made for a righteous man, but for the lawless and disobedient, for the ungodly and for sinners, for unholy and profane, for murderers of

fathers and murderers of mothers, for manslayers, for whoremongers, for them that defile themselves with mankind; for manstealers, for liars, for perjured persons, and if there be any other thing that is contrary to sound doctrine; according to the glorious gospel of the blessed God, which was committed to my trust."

The persons referred to in this passage as having swerved from the gospel, and "turned aside unto vain jangling, desiring to be teachers of the law," which they did not understand, were evidently the Judaizing teachers of whom I have spoken. These professed Christian teachers differed essentially from Paul, and his associates in the Christian ministry, who relied wholly upon the gospel as a reformatory agency, who "determined to know nothing save" this in their efforts to bring men to that repentance and faith which would reconcile them to God and secure to them the benefits of loyalty. These false teachers, on whom Paul pronounced a curse, and against whose influence he guarded Timothy, entertained confused notions of the law as propounded by Moses, who gave instruction respecting the moral law, which is an abiding rule of action, and also the ceremonial, and the civil. The Judaizing teachers, while they pro-

fessed to be Christians, insisted upon the requirements of the law as a condition of salvation. After charging them with swerving from the unfeigned faith of the gospel, Paul said, in the language of the text, "The law is good if a man use it lawfully"—if he use it for the accomplishment of an end for which it was designed and adapted; but he intimated that it was neither designed nor adapted to justify and save men from the consequences of their sins. By attempting to use it as a reformatory agency, the false teachers, whom the apostle opposed, showed that they did not understand the true province of law; that they had mistaken its design, and were acting an impracticable and mischievous part. In saying that "the law is not made for a righteous man, but for the lawless and disobedient," the apostle evidently meant the moral law, which is good as a rule of action, as a terror to evil doers, and a restraint upon the ill-disposed. Its office is to threaten, to convince, to condemn and punish. By the law, which is good if used lawfully, no man can be justified, for all are under its curse. The law cannot pardon, it cannot save, it cannot impart spiritual life; but it is nevertheless good if used lawfully—in its appropriate sphere—for the accom-

plishment of a legitimate end. The law has a subordinate, and appropriate sphere, in the work of saving men, which is clearly stated by the apostle in his epistle to the Galatians. In this statement we read that "the law was our schoolmaster to bring us to Christ, that we might be justified by faith." The Greek word rendered "schoolmaster," in this quotation, is *paiadagogos*, the literal meaning of which is, "the leader of a child." The *paiadagogos* among the ancients was a servant employed to watch over children, to guard them against temptation, to shield them from danger, on the way, and to conduct them to school, where they were instructed by persons competent to teach. This is the office of the divine law. While it cannot save, it is appropriately used in conducting sinners to the Saviour, who, in the capacity of teacher, instructs them how they can be pardoned, justified, reconciled to God, and prepared for the enjoyment of his society with the loyal subjects of his heavenly kingdom. "The law is good" when "used lawfully;" but it is powerless on the line of saving men, except as a guide to the gospel, which is the power of God unto salvation to every one that believeth.

If the Almighty Ruler of the universe, the infi-

nite God, could not reclaim his subjects, in this revolted province, and save them from their guilt and its consequences, by the agency of his law, and therefore he devised the gospel system of truth, which he made efficacious in the reformatory department, most assuredly *the State* cannot reform men and make them virtuous by the agency of criminal law, but must rely upon truth for effecting the desired change. If "the truth as it is in Jesus," the system which he and his disciples taught, was devised to do what the law, in its weakness, could not effect, and if this system does work a thorough reformation in man, on condition of his belief and practice thereof, the inference seems legitimate that truth, in its various forms, is the only agency which can be successfully employed in the reformatory department, and that the law here is not "good," being out of its province, and not "used lawfully," or in accordance with its design and adaptedness. If the "glorious gospel of the blessed God," taught by the great Reformer, who came a light into the world, and committed to the trust of Paul, and his associates in the Christian ministry, is adapted to work a perfect reformation in man by purifying his heart and changing his character and his habits, truth in its different

forms must be the instrumentality to reform persons in part, to change any wrong habit, or to produce any improvement in life and character.

If an individual is indulging a wrong habit which is injurious to his health or morals, he must be persuaded to abandon it by having the truth presented to his consideration in a form adapted to effect the desired change. Is an individual practising coveteousness, which is idolatry,—you cannot legislate him into benevolence, you cannot compel him to "give as the Lord hath prospered him," by legal enactment. Is an individual sacrificing himself upon the altar of impurity,—you cannot make him chaste by a penal law. Is he practising any vice,—you cannot make him virtuous by framing a statute for the purpose, for we have seen that it is not the province of law to reform. The terrors of the law and the execution of its penalties restrain from the wrong and thereby exert a protecting influence, but these terrors and the execution of these penalties do not possess the true reformatory power. Intelligent reformers, knowing the terrors of the law as they are exhibited in its threatenings and in the execution of its penalties, persuade men not to incur those penalties, or to escape them by true reformation and the practice of virtue, which

will bestow its rich rewards upon the virtuous. This use of law in effecting reforms is a legitimate use, being connected with persuasion and not with force.

In searching for the province of law, we have found the object of our search, and, intimately connected with it, yet distinct therefrom, the province of truth. We have seen that it is the province of law to protect by the restraints it imposes in the threatening and infliction of its penalties, and, in imitation of the ancient paidagogos, to direct to the school of truth, where transgressors may be instructed in reformatory measures and trained in the principles of virtue and holiness. While the province of law and the province of truth sustain important relations to each other, they are so distinct that the law cannot do the peculiar work of truth, neither can truth do the peculiar work of law. They cannot work in each other's province, they cannot perform each other's part. "Law is good" when "used lawfully," in its appropriate department, but when transferred to the department of truth, and there employed to *force* changes which can only be effected by *persuasion*, it becomes other than good, being unlawfully and irrationally used. The two provinces, developed by

our train of facts and reasoning, may be thus stated:—*It is the province of Law to protect; it is the province of Truth to reform.*

The law is a mere paidagogos, which protects by restraints, by pointing out dangers, by threatenings and inflictions; the truth is a teacher, which, with parental affection, enlightens the mind, influences the will, purifies the heart, corrects the habits, reforms the life, and, by its counsel, guides to God and to heaven. The law is armed with a sword to execute justice upon offenders; the truth compassionately smiles upon this class, and urges them to turn from their hard and evil ways and live. Truth tells the transgressor, guilty and exposed to danger, that there is hope for him if he will reform, instructs him how to do it, and presents inducements to influence him to obey these instructions. The law, with sword in hand, is unlawfully, impracticably, and mischievously, employed in the province of truth, there attempting to effect by compulsion what alone can be effected by the conquering power of persuasion.

My hearers will observe that, instead of announcing my subject at the commencement of this discourse, I have led them to its legitimate development through a somewhat extended reference to

sacred history, accompanied with an explanation of the text and its connection. My subject, thus developed, is:—*The Province of Law, in distinction from that of Truth.*

The excellent government under which we live is emphatically a government of laws. The laws by which we are governed are framed by our representatives, who are supposed to legislate in accordance with the will of the majority. A portion of the laws thus framed relate to crime, and, by way of distinction, are called criminal. These, when wisely and righteously framed, with appropriate penalties attached, bear a strong resemblance to divine laws which describe acts that are criminal and threaten the infliction of their penalties upon those who commit them. The law spoken of in the text was law relating to crime, as the context clearly shows. The province of this kind of law, whether divine or human, is to protect the loyal subjects of government, by the threatening and infliction of its penalties, proclaiming that "the way of the transgressor is hard," and "the wages of sin is death." "Knowing the terror of the Lord," as it was expressed in the threatened penalties of his righteous law, Paul, as "an ambassador for Christ, persuaded men to be reconciled to

God," in accordance with the terms of the "glorious gospel." In the work of reform, whether under divine or human government, the reformer must employ truth and persuasion, instead of law and compulsion. Law as an agent to reform the guilty is powerless and mischievous, being out of its province, and used unlawfully; but when judiciously framed after the divine model, being the expression of an intelligent public opinion, it is powerful and beneficial in the line of protection, which is its true province. It punishes the guilty, not to reform them, but to protect society. Its peculiar work with respect to moral evils, found in the theories and practices of the people, which are inflicting upon them injuries, and preventing their making a success of life, is not to remove them, but to protect moral reformers in the use of appropriate means to effect their removal. Acting upon this theory, our government protects all denominations of Christians in worshipping God according to the dictates of their own consciences, and in the use of means for proselyting others to their views and practices for the professed purpose of effecting their improvement. What our State government does for churches, through its legislature, it should do for all organizations and

classes of professed reformers, *and no more*. It should give them legal protection in the use of means to effect their reforms. This protection they can rightfully claim. More than this the State cannot rightfully give.

Having developed and defined my subject, I will give a few illustrations for the purpose of showing its application to, and impressing its importance upon, those whom I have the honor to address.

1. In the Massachusetts Penitentiary we find law and truth operating in their appropriate provinces, each doing its appropriate work. The law is there inflicting its penalties upon those who have incurred them. Officers are appointed to execute the law, according to its letter and spirit—are appointed to inflict its penalties, which are described in the sentences of the courts. But, under the direction of a humane and Christian Commonwealth, a portion of the prison officers perform another part, which is reformatory in its character. These kindly present the truth to the minds of the prisoners, in the hope of making them useful citizens when they shall be liberated and permitted to mingle in society in the capacity of freemen. If any are reformed, while inmates of this prison, the change is effected, not by the law,

but by the gospel; not by the infliction of legal penalties, but by the Christian application of truth to the understanding, the conscience and the heart. The law demands strict justice. It says to the prisoner, Thou shalt not go hence to breathe the air of freedom and enjoy the blessings of liberty, until the entire sentence is inflicted upon thee. While the law thus rigorously treats the prisoner, it leads him to the truth for instruction and reformation. The truth proclaims in his hearing that "the way of the transgressor is hard," and "the wages of sin is death," and introduces him to a better way, and to a service that will be profitable "in the life that now is, and that which is to come."

2. In the history of the Lord Jesus Christ, and the Pharisees, both professed reformers, we have an illustration of the wisdom and folly of employing truth and law appropriately and inappropriately. The Lord Jesus Christ relied wholly upon truth as a reformatory agency. As an ambassador from heaven, sent by his Father's love, not to execute righteous judgment against sinners, but that through him they might be saved; as an ambassador from heaven, he labored to persuade men to believe the truth, and, under the influence of this

belief, to change their minds, their habits and their characters, whereby they might be saved from the control and consequences of their sins, and made heirs of eternal life. As a reformer, he never employed force upon men endowed with the power of choice, though comparatively few yielded to his persuasion. As a reformer, he was compassionate toward the weak and erring, and encouraged them in their efforts to break away from the controlling power of sin. To those penitents, whom he graciously forgave, he said, Go and sin no more. He was kind and affectionate in his appeals to sinners. "All bore him witness, and wondered at the gracious words that proceeded out of his mouth." On one occasion, that of his last visit to the Temple, on the Wednesday preceding his crucifixion, his holy indignation was excited toward his wicked and cruel enemies, the leading Jews, and then and there he gave utterance to that withering address in which he tore off their hypocritical garb, and exposed the vileness of their characters with all their false pretensions to holiness. This burst of holy indignation was righteously called forth by the malignant opposition of those vile, hypocritical men who were persecuting him, "saying all manner of evil against him falsely." Immediately after

closing that severe address, in which he applied harsh epithets, he departed from the sacred edifice, leaving his enemies with their malicious feelings strongly excited under the severe lashing they had received. As he was departing from the Temple for the last time, another class of emotions took possession of his mind, and he exclaimed, "O Jerusalem! Jerusalem! thou that killest the prophets and stonest them which are sent unto thee, how often would I have gathered thy children together even as a hen gathereth her chickens under her wings, and ye would not!" On the first day of that same week, as he was approaching the sacred city, mounted, he wept over it, "Saying, If thou hadst known, even thou at least, in this thy day, the things which belong unto thy peace! but now they are hid from thine eyes." Though deeply interested in his benevolent work, and meeting with but small success, with a perfect knowledge of human nature, he employed no other than moral means to effect his object. He instituted a spiritual kingdom, into which citizens, reformed through the agency of truth, might be gathered by his ambassadors, acting in his stead. The reformation thus commenced was thorough, aiming at the spiritual renovation of its subjects,

and their training for the celestial department of his kingdom. After commencing his great work on right principles, this model reformer returned to heaven, leaving instructions with his disciples for carrying it forward. While the great teacher relied upon truth as the only instrumentality in renovating, sanctifying and saving men, his enemies, the Pharisees, relied wholly upon law for effecting this object. They believed and taught that the law of Moses would save men, and therefore they insisted on the observances it enjoined. "They affirmed that obedience to this law was the only way in which men could be saved; understanding by *obedience* one's doing the things which the law enjoined, or in case of failure, his having recourse to the atonement prescribed for the offence." These professed reformers were self-righteous, hypocritical and cruel, and their proselytes, instead of being reformed, were demoralized and made even worse than themselves, showing that their mode of reforming the wicked was worse than a failure. These self-righteous men, who undertook to regulate the habits and opinions of people by law, arrayed themselves against the great teacher, whose influence and person they labored to destroy. Failing to put him down by discus-

sion, they employed persecution. They called him a blasphemer, and represented their views of his immorality by exclaiming, "Behold a gluttonous man, a winebibber, and a friend of publicans and sinners." His influence increasing, notwithstanding their malicious opposition, they resolved to bring him to the cross, and executed their resolution; but their apparent triumph resulted in promoting the cause of him they crucified. By their wicked hands he was sacrificed; but the reformation he instituted was carried on by his disciples with efficiency, so long as they relied upon truth as the reformatory agency.

3. We find another illustration of the wisdom and folly of employing truth and law appropriately and inappropriately, in the history of Christ's apostles, and their contemporaries and opponents, the Judaizing teachers. The former, in imitation of their Master, and in obedience to his command, employed the system of truth he had taught them as the only means of carrying forward the great work of reforming the world. Paul, the most talented and learned of this class, "determined not to know anything among" the people whom he labored to reform "save Jesus Christ and him crucified." Before his conversion to Christianity, he

was a self-righteous Pharisee, a cruel, blood-thirsty persecutor, who claimed the right to regulate the habits and opinions of the people by authority derived from the chief priests; but after his conversion, in the capacity of Christian teacher, he used no carnal weapons, employed no physical force. Before experiencing that great moral change, he attempted to prohibit people from thinking and acting in accordance with their convictions; but afterward he reasoned with and persuaded those who differed from him in opinions and practices, with manifest emotion and deep interest in their welfare, affectionately "declaring unto them the whole counsel of God, whether they would hear or forbear." He and his associates in the ministry of reconciliation made no other use of the divine law than, through its agency, to direct sinners to Christ. Knowing the terrors of the Lord, they persuaded men to become reconciled to him through repentance and belief of the truth. As reformers, they were eminently successful, asking and securing no other aid than the converting and sanctifying influences of the Holy Spirit. Those devoted men bore with them convincing proof that they had been with Jesus and learned of him. Their converts from Judaism and hea-

thenism were greatly improved in character, and habits, and the change was effected by the truth employed in its appropriate province. The Judaizing teachers attempted to improve the divine method of reforming men instituted by Christ, and employed by him and his apostles with efficiency and salutary effect. Professing to employ the law and the gospel, they practically relied upon the former to do the work of the latter. They used law unlawfully in the province of truth, and therefore failed to effect the moral improvement of those they taught.

4. We find another illustration of the wisdom and folly of employing truth and law appropriately and inappropriately in the history of the Christian Church before and after it became the church of the Roman Empire. Before that change, this organization was truly Christian. Its members retained an attachment and a resemblance to their acknowledged head. They imitated him in relying upon the truth as the great reformatory agency. They could not be driven from their work, by persecution, but they were subdued, and demoralized, by yielding to the embrace of politicians. After that yielding, they gradually exchanged their spirituality for formalism, their Christianity for worldly

policy, their humanity for cruelty. Acting upon the two false and pernicious principles of their adoption, viz.: "The end justifies the means," and, "It is the right and duty of Christians to persecute even unto death those who differ from them in views and practices,"—acting upon these principles, they became cruel destructionists, instead of being "the salt of the earth," and "the light of the world." "Constantine," says the historian, "brought the world into the Church, and the Church was paralyzed. The number of nominal Christians was indeed increased a thousand fold. * * * Immense and splendid temples were erected and richly endowed; and a great priesthood was regularly organized and liberally supported. The body existed, but the spirit had fled. * * * Shoals of profligate men, allured by gain or driven by fear, pressed into the Church; discipline ceased, and superstition reigned without control." Speaking of the persecutions inflicted by the degenerate Christians in the Roman Empire, the historian says: "Strange that men who professed to serve a holy Master, and to be looking toward a holy heaven, should so soon set at defiance the solemn denunciations of Christ against the fearful and unbelieving, the abominable, and all liars ; and

that, with scorched flesh and broken limbs, they should kindle the fires of persecution against their companions."

As different parties gained the ascendancy in the Church, they severely persecuted those who differed from them in views and practice, for the avowed purpose of effecting their reformation. The party possessing the power to persecute assumed that they were right, and that opposition to them was heresy, which must be eradicated by force if it would not yield to demand. The heretic must be reformed, or suffer the prescribed penalty for his obstinacy. The degeneracy in the Church carried with it the disposition to employ law and force, in the department of reform, instead of truth and persuasion, and the experiment proved disastrous to the interests of religion and morality. The history of persecution is full of illustrations of the impracticability and folly, as well as cruelty and wickedness, of attempting to effect a real or supposed reform by force. The Roman Catholics, under the reign of Mary, drove multitudes to the stake because they would not subscribe to their religious views; and the Established Church, under Elizabeth, persecuted the Puritans, who were distinguished for conscientious devotion to religious

truth, as they understood it, because of that devotion; and the Puritans, who fled to New England that they might enjoy "freedom to worship God," persecuted other sects for their persistent belief and practice in the religious department. All these made the pernicious mistake of employing law in the province of truth, and force in the province of persuasion; forgetting that the Lord Jesus Christ, whom they professed to recognize as their model, their infallible teacher and guide, relied upon truth and persuasion to win men to himself and interest them in his service; and that his apostles and their successors imitated his example in their efforts to promote the great Christian enterprise.

If a disposition to persecute is a latent principle in human nature, as history seems to demonstrate, the attempt to use law unlawfully, in the peculiar province of truth, will develop this principle and bring it into active and mischievous exercise. This attempt,—made by leading Jews in the days of Christ and his apostles, by professing Christians who yielded to the control of politicians, by Roman Catholics and Protestants, to whom reference has been made, developed in them the persecuting spirit, with its destructive power,—this

attempt made them self-righteous and cruel. They claimed to be doing God's service, and "verily thought" they were, while they were breathing out threatenings and slaughter against those who differed from them in opinion. Their history plainly shows that, while "the law is good if a man use it lawfully," it is other than good, it is evil, and only evil, when used unlawfully — for the accomplishment of a purpose which the truth alone can effect. Failing to recognize the important distinction between the province of law and the province of truth, which Christ and his apostles so carefully observed, has been the occasion of much wrong legislation, which has produced immense mischief in many parts of the world, not excepting New England, and even our own Christian Commonwealth. Here and elsewhere, law, which is good if used lawfully, has been converted into an evil agent by being employed in forcing convictions, which, according to the nature of mind, can only be effected by truth and persuasion.

Gentlemen of the Senate and of the House of Representatives! As agents of the public in this ancient Commonwealth, you are called to fill honorable positions and to perform important work. In accordance with long established custom, before

entering upon this work, immediately after being constitutionally qualified for its performance, you have assembled in this ancient Christian temple, consecrated to the worship of Almighty God, to acknowledge your dependence upon him and to seek his direction and favor, in connection with listening to the annual discourse, designed to instruct you in the true principles of legislation, as they appear from the stand-point of the preacher. This custom has come down to us from our fathers, bearing the impress of its virtuous origin. The place in which we meet for these religious services is eminently appropriate. It is the place where the devotions of our fathers were offered "in times which tried men's souls;" a place rich in historical associations connected with our Revolutionary struggle, which resulted in the establishment of our excellent form of government, emphatically a government of laws. In performing the duty assigned me on this occasion, I have selected, for my subject, *The Province of Law in distinction from that of Truth.* I have shown that it is the peculiar province of law, as it relates to crime, to protect; and the peculiar province of truth to reform. Our subject has a personal application to you. In the capacity of legislators, it is highly

important that you have clear and correct views respecting the province of law, that you may avoid the mistakes of others, and make your own legislation effective for good. Ours is emphatically a legislating State. Among our citizens there are those who seem to think that most of "the ills that flesh is heir to" can be removed by legislation. These ask for impracticable laws, in conflict with well established principles in political economy and in human nature. They demand legislation which will regulate the habits of the people. They demand legislation which shall force others to adopt their views and practices, and shall bring them into conformity to their standard of right. By this class of reformers, who are laboring to renovate the world by legislation, you will doubtless be approached, as your predecessors have been, with earnest petitions to frame their impracticable views into legal enactments. These impracticable men and women may urge you to pass laws in conflict with the principles developed in this discourse, laws to effect ends which are not within the province of legislation. In the capacity of legislators, you will find it profitable to keep this province distinctly in view; bearing in mind that, while in a despotic government the habits of the people can

be regulated by law, backed by military force, in a free government, like ours, having a sovereign in each of its subjects, this cannot be done. A despot may decide by law, which is the mere expression of his own will, what his subjects shall eat, drink and wear, and how they may talk and act; but such legislation in a republic will always prove a failure and a disaster. Understand, that the law is good if men use it lawfully; if they employ it in a sphere to which it is adapted, and for an end it was designed to accomplish. Guard against the fallacious reasonings of men who demand of law what law, in its weakness, cannot do. If asked to remove acknowledged moral evils and to effect desired moral improvements by legal enactments, instructed by our discourse, you will refuse compliance, saying to your petitioners, It is impossible to legislate men into holiness, to force them to cultivate the Christian graces, or even to practise the common virtues. These ends must be effected, if at all, by the potent agency of truth kindly applied to the rational in man. Christ and his apostles, and their immediate successors in the Christian Church, never invoked the aid of law in their reformatory work. They were content to use the truth in their endeavors to reform men; but when the Church

became corrupt, its members, like some modern reformers, became self-righteous, belligerent, cruel, denying the right to *think*, much less to *speak*, in opposition to their standards. The man who dared to assert this right usually received harsher treatment than was recently encountered by a venerable and distinguished clergyman in a convention in this city which claimed to be eminently Christian. The spirit encountered by both was the same, though its manifestations differed, owing to circumstances. In the convention, this spirit was not permitted to manifest itself in violent acts upon the venerable speaker; so it availed itself of the privilege of discourteously interrupting him, and subsequently speaking of "the weakness of his brain," and indirectly classing him with criminals.

The men trained by the great Teacher were model reformers, and eminently successful in their work. They wrought wonderful changes in the views and habits of the people whom they converted to the belief and practice of Christianity. They erected the standard of the cross, and made it attractive. Multitudes of Jews and Gentiles were effectually drawn to it by the magnetic power of the truth it contained. In proportion as persons, professedly desiring to improve human society,

have imitated these model reformers, in spirit and in action, have they been successful. Take the great temperance reformation in our Commonwealth as an illustration of the truth of this remark. During the first ten years of its history, it was carried forward solely by moral means. Intoxicating drinks were then freely and openly sold under a license system which imposed no practical restraint upon the sale, and yet great results were effected, as appears in the following extract from a circular, issued a few years since by the officers of the Suffolk Temperance Union: "The results of the first ten years' *moral* and *Christian* effort are clearly set forth in Dr. Justin Edwards' letter in reply to some inquiries of the King of Prussia. 'The number of temperance societies formed in this country is more than 7,000, with more than 1,125,000 members. More than 3,000 distilleries have been stopped, and more than 7,000 merchants have abandoned the traffic in spirituous liquors. More than 1,000 vessels sail from our ports in which no such liquors are used; and more than 10,000 persons, who a few years ago were drunkards, now use no intoxicating drink. They are all sober men; many of them are industrious, respectable and useful, and not a few of

them truly pious men. In those parts of the country in which these societies are most general, industry, economy, morality and religion have been greatly revived; sickness and mortality have been much diminished, and pauperism and crime have been almost entirely done away.’’ This letter was written more than thirty years ago, and doubtless contains a tolerably correct representation of what was accomplished, in the first ten years of this great reformation, by the use of moral means, wholly disconnected with legal force. Men and women were reasoned with, persuaded, morally and rationally influenced to abstain from the use of intoxicating drinks; and the results, as stated, were exceedingly cheering.

Some two years after the date of Dr. Edwards’ letter, the friends of this reformation influenced the Massachusetts Legislature to enact a kind of prohibitory liquor law, which was retained among our statutes about eighteen months. Twelve years after the repeal of this law, another of the kind was enacted, which three years subsequently was perfected, and, thirteen years subsequently, was furnished with what were regarded efficient auxiliaries for its better enforcement. And what, I ask, is the condition of the Temperance Reformation?

tion in our Commonwealth and country to-day? Let a few statistics, furnished by the newspaper press, answer. During the ten years, between 1856 and 1866, the cultivation of grapes in our country was increased more than five hundred fold. "In 1867, seven hundred thousand gallons of wine were manufactured in the Ohio Valley, and thirty-five millions of gallons of wine and five hundred thousand gallons of brandy were manufactured in California." "The sum spent for liquors in the United States in the year 1867 is estimated," says a city paper, "at \$2,960,000,000, making \$130 given for liquor to every dollar devoted to the cause of education. The amount spent annually for religious purposes is about \$30,000,000, or one dollar for religion and ninety-three for rum." "At a low estimate," says a recent number of the Boston "Congregationalist and Recorder," "there are 565,640 persons employed in distilleries and wholesale and retail liquor stores in the United States, and only 146,176 ministers and school teachers," the former outnumbering the latter more than four to one. A few years since, it was shown, by reliable statistics, that one of the cities in our Commonwealth expended more for intoxicating liquors than for bread. Twenty-five years ago, sideboards and

side-pockets for liquor purposes were very uncommon; now they are said to be alarmingly and increasingly numerous.

In the light of these statistics, I ask again, what is the condition of the temperance reformation in our Commonwealth and country to-day? Like the Christian Church, when united to the Roman State, this reformation has yielded to the embrace of politicians and been paralyzed; and the demand is felt for some bold reformer to rescue it from this polluting embrace, and bring it back into the field in which it made such great and glorious conquests, where it may make others still greater and more glorious. Temperance societies *now*, instead of being institutions for moral reform, are political organizations; and temperance lectures and temperance sermons are, in many instances, mere political harangues, which degrade the pulpit and desecrate the Sabbath.

If asked to enact laws to compel men to be virtuous, instructed by the facts and reasonings presented in this discourse, direct your petitioners to the great Reformer, and bid them imitate him. Let them be told that the law is good if men use it lawfully, in its appropriate province, which is not to reform, but to protect. Let them be told that

legal protection in the use of moral means for effecting their objects is all the aid which legislation can properly afford. Let the history of the Pharisees, of the Christian Church after its adoption by the Roman Emperor, of Catholic Mary, of Protestant Elizabeth, and of all other persecutors who have cruelly *compelled* persons to adopt their views and practices, influence you to resist importunate demands to frame laws for the regulation of men's habits, remembering that habits have opinions for their basis, and that opinions cannot be rationally changed by law and force. You may be asked to frame laws to make men virtuous, which may be successfully used in connection with the truth, thereby combining force with persuasion. Our subject proclaims against such legislation, declaring that force and persuasion cannot be equally yoked together, and that law, being good *only* when used lawfully, is out of its province when forcibly employed to regulate either the opinions or the habits of the people. With the Judaizing teachers in mind, you cannot consistently yield to the demand for such legislation, knowing that, constituted as men are, if they attempt to use law and force instead of truth and persuasion in the work of reform, they will rely upon the former two to

the exclusion of the latter. Force and persuasion nominally combined will generally constitute *simple force* in its most objectionable form; therefore legislators should resist demands for their combination.

Intent upon employing force in the reformatory department, some of your constituents, with more zeal than knowledge, may demand legislation which will afford them indirect aid in bringing men to the adoption of their views and practices. It is a principle of law and of morals that men cannot rightfully do indirectly what they have not a right to do directly. This kind of legislation is not only impracticable, but often exceedingly mischievous. It not only fails to accomplish its object, but not unfrequently it increases the evil it was designed to lessen. We have a striking illustration of this double failure in an act of Congress, passed a few years since, fixing the revenue tax upon whisky at two dollars per gallon. The authors of this legislation designed by it to compel this luxury to pay a large revenue, and to promote the cause of temperance and general morality by lessening the manufacture of the means of intoxication. Neither of these objects was accomplished. In 1866, seventy-six millions of gallons of whisky were

known to be manufactured in the United States, only fifteen millions of which were taxed. Less than one-fifth, and probably less than one-sixth, of the whole quantity made paid the revenue. Discovering the mistake, Congress reduced the tax under consideration to fifty cents per gallon. The following was taken from a Boston paper, published Nov. 10, 1868: "The revenue from whisky at Chicago in October was \$200,000, being greater than during any single month while the tax stood at two dollars per gallon." This objectionable legislation offered a premium for dishonesty, and increased the quantity of liquor manufactured, which it was designed to lessen.

That I correctly represent a class of professed reformers in our Commonwealth who are attempting to employ law in the province of truth, claiming that through its agency the coming of the millennium can be hastened, will appear in the following quotation from an essay, published, I think, in 1865, bearing the following title: "The Temperance Ticket; by E. P. Tenney, author of 'Jubilee Essays.'" The following note is on the margin of the first page: "The substance of this essay was read as an address before the Essex South District Temperance Union at Lynn, April 6th. It was so

heartily endorsed by the Union that it is now printed as their expression on a vital subject." The author of this essay was a Massachusetts pastor, a member and lecturer of "The State Temperance Alliance;" and his production was "heartily endorsed" by a large and efficient branch of that politico-religious organization. Mr. Tenney, speaking as the representative of the belligerent party he represented, whose members, imitating the spirit of the degenerate Church after it yielded to the control of politicians, have resolved to reform the people by force backed by legislation, employed the following language:—

" We shall continue to agitate on Temperance, and if the rum party rebels at last, we must be ready to fight. * * * We are ready to take the bayonet. We will fight it out on the stump and at the ballot-box; and if the voice of the ballot-box is not heeded in time to come better than it has been in time past, we will make and enforce laws more and more stringent, and we will allow of no rest till the whole machinery of the State is made to back up the Maine Law. Jury bills and police schemes are by no means the only schemes we have in mind. Temperance men have money enough, and it will be furnished for carrying on war. * * * We mean to finish intemperance. We then mean to take hold of something else, and keep mixing religion and politics till the ballot-box is regenerated and sanctified, and the

voters are fit to be angels, to take part with the principalities and powers in heaven. * * * We are now going to have a war on this temperance question. We shall have town-meeting fights. We mean to fight it through on this line. And when we get through with this war we mean to have another; we mean to keep profane men out of office. I suppose they will swear about this threat now while they have a chance. But the Christian men of this State are strong, and they know it; and they mean not only to make this State the leader in the morals of the world, but they mean to bring in the reign of God here as soon as possible, and have the will of God done in Massachusetts as it is done in heaven."

From this document we learn that these politico-religionists have determined by a scheme of legislation to morally renovate the citizens of this Commonwealth, and prepare them for exalted positions in the celestial state. What a grand scheme! Had these reformers lived in the apostolic age, what an amount of toil and suffering they would have prevented! They would have shown Paul that "carnal weapons" were eminently more efficient than those he adopted and pronounced "mighty." Paul adopted the slow method of converting men by "*persuasion*." By this method he was instrumental in saving only those who

believed. The process was slow, and was accompanied with a vast amount of labor, toil and suffering, which might have been avoided by adopting the improved method recommended in the essay from which we have quoted. But Paul belonged to a *past age*. He had not even a *glimpse* of the "new light" which modern schemers enjoy in the "Bay State." He never dreamed of renovating the world by legal machinery. He never thought of using other than gospel means to save men and fit them for heaven. As the legislators of a Christian Commonwealth, instructed by the example and teachings of the great apostle, you will resist the appeals of these modern schemers for legislation framed in aid of their impracticable plans.

Gentlemen of the Legislature! In the light of our subject we see that law has an honorable and useful province, and is efficient for good when used lawfully, in accomplishing ends for which it was designed; and efficient for evil when improperly used to force changes in the peculiar province of truth. Keep these two provinces distinctly in view, and let the view influence your legislative action. Let professed reformers in our Commonwealth understand that, whether in the capacity of organized churches, or of voluntary societies,

formed for specific purposes, they can only receive from you protection in their work, while, in imitation of the great Christian Reformer and those trained by him in person, they may call upon sinners to repent, and persuade the vicious to change their habits and their characters, by proclaiming the terrors of the law, and describing the excellencies of virtue. If you yield to their demand for legal authority to compel men to adopt their standard of right and propriety, you will make them like Saul of Tarsus, self-righteous, belligerent and cruel, who breathed out threatenings and slaughter, under such authority, in the capacity of a persecutor. Saul of Tarsus undertook to reform people by force; Paul the apostle persuaded men to abandon sin and practise the Christian virtues. Saul of Tarsus was a self-righteous, cruel Pharisee; Paul the apostle was a bright ornament of the Christian Church. Saul of Tarsus was a destructionist; Paul the apostle was a true benefactor. If you would have the reformers in our Commonwealth resemble the benefactor and Christian, rather than the destructionist and Pharisee, withhold from them legislation, except in the form of protection, bearing in mind that the law is only good when used lawfully.

His Honor the Lieutenant-Governor and the Honorable Members of the Executive Council! Gentlemen:—I congratulate you in having completed a year's service, in an important department of our State Government, honorably to yourselves, and satisfactorily to your constituents. The consciousness of faithful performance of duty is gratifying to honorable minds, and when to such consciousness is added the knowledge of public approval, the gratification is complete. Believing that this gratification is yours, it affords me pleasure, as the organ of the people to tender you the usual congratulations of this occasion. While some of you, gentlemen, have been elected to continued service in the same department, one of your number has been called by the public voice to a more exalted and responsible position, in which more important and more honorable duties will be required.

Governor Elect! In the new position upon which you are about to enter, you will find use for the distinction made in this discourse between the province of law and the province of truth. As learned in the former, and attached to the latter; as Doctor of Laws, and disciple of the great Reformer, and an ardent admirer and follower of the distin-

guished man who instituted that branch of the Church of which you are a member, and of which the devoted Asbury was the "Pioneer Bishop" in America, you will not be liable to make the mistake of counselling and aiding in the adoption of legislative measures for the regulation of the people's habits and the effecting of moral reforms, which can only be accomplished by the agency of truth accompanied with persuasion. Guided by the teachings of Christ and of Paul, and by the theory and practice of the fathers in your own branch of the Church, you will, I trust, recommend the using of law lawfully, while, by precept and example you manifest a confidential reliance upon truth as the divinely appointed means for reforming the vicious, for renovating the world, and hastening the spiritual reign of the Lord in this revolted province of the universe.

His Excellency the Governor! Honored Sir:—I congratulate you upon having reached a goal at which an intelligent and grateful people are about to bestow upon you a wreath you will wear into a dignified retirement, after a series of years devoted to their service, with ability and diligence, in the several important offices they have called you to fill. Think not, respected sir, that you will be



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